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BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of the Investigation of

MAHESH R. KUTHURU, M.D.,

License No. 12101.

Case No. 14-32161-1

FTLED

MAR 2 5 2014

NEVADA STATE BOARD OF

ORDER OF SUMMARY SUSPENSION

Prior to the preparation of this Order of Summary Suspension, Nevada State Board of Medical Examiners (Board) staff presented evidence and information to an Investigative Committee (IC) of the Board, composed of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, regarding Mahesh R. Kuthuru, M.D. (Dr. Kuthuru). Upon review of the evidence and information presented by Board staff, the IC hereby IMMEDIATELY SUSPENDS Dr. Kuthuru's license to practice medicine in the state of Nevada pursuant to Nevada Revised Statute (NRS) 630.326(1), based upon the following preliminary findings:

A. Status of Dr. Kuthuru's Nevada Medical License

- 1. Dr. Kuthuru is a physician licensed to practice medicine in the state of Nevada. He was originally licensed by the Board on November 15, 2006. Dr. Kuthuru specializes in pain management.
- 2. Dr. Kuthuru currently practices pain management at Desert Pain Management in Las Vegas, Nevada.

B. Status of Dr. Kuthuru's New York Medical License

3. On February 21, 2014, the New York State Board for Professional Medical Conduct (New York Board) charged Dr. Kuthuru with ten (10) counts of fraud, one count of 2
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practicing the profession with negligence on more than one occasion, ten (10) counts of gross negligence, one (1) count of practicing the profession with incompetence on more than one occasion, ten (10) counts of gross incompetence, ten (10) counts of permitting or abetting the unlicensed practice of medicine, ten (10) counts of willful or gross negligence, one (1) count of moral unfitness, ten (10) counts of improper delegation, one count of failing to maintain an accurate record, one (1) count of failing to exercise appropriate supervision and one (1) count of excessive tests and treatments.

- 4. On March 11, 2014, Dr. Kuthuru surrendered his license to practice medicine in the state of New York while under investigation to the New York Board.
- 5. On March 17, 2014, the New York Board issued an order accepting Dr. Kuthuru's surrender of his license to practice medicine in the state of New York.

C. Federal Indictment of Dr. Kuthuru

- 6. On February 26, 2014, the United States District Court for the Northern District of New York issued a Superseding Indictment charging Dr. Kuthuru with thirty (30) counts of health care fraud, one (1) count of conspiracy and fourteen (14) counts of illegal distribution of schedule II controlled substances.
- 7. The indictment alleges that Dr. Kuthuru owned and operated Upstate Pain Management in Utica, New York while living and working in Las Vegas, Nevada. It is alleged that Dr. Kuthuru employed only physician assistants, nurse practitioners and medical assistants in his New York practice. Dr. Kuthuru occasionally visited his New York office. However, during his absence there was no medical doctor present when the physician assistants, nurse practitioners and medical assistants were rendering medical services to patients. It is alleged that Dr. Kuthuru sought reimbursement for services provided by himself or a licensed non-physician acting under Dr. Kuthuru's direct supervision when the services were never provided by Dr. Kuthuru or a licensed non-physician whom Dr. Kuthuru directly supervised. It is further alleged that Dr. Kuthuru prescribed controlled substances without a legitimate medical purpose and acted outside the usual course of professional practice.

- 8. On February 28, 2014, Dr. Kuthuru was arrested at his home in Henderson, Nevada on the charges contained in the indictment.
- 9. Based on the foregoing, the IC reasonably determines and believes that the health, safety and welfare of the public is at imminent risk and that a summary suspension of Dr. Kuthuru's license to practice medicine in the state of Nevada is necessary to remove the risk of imminent harm to the health, safety and welfare of the public.

Accordingly, pursuant to NRS 630.326(1):

IT IS HEREBY ORDERED that the license to practice medicine in the state of Nevada of Dr. Kuthuru (License No. 12101) is HEREBY SUSPENDED until further order of the IC or Board; and

IT IS FURTHER ORDERED that pursuant to NRS 630.326(2), a hearing on this matter is set for the 8th day of May, 2014 at 9:00 a.m. at the Board's office located at 1105 Terminal Way, Ste. 301, Reno, NV 89502, to determine whether this suspension may continue, unless the parties mutually agree in writing to a divergent time frame.

DATED this **25** th day of March, 2014.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Aleodere B. Bernett

Theodore B. Berndt, M.D.

Chairman, Investigative Committee